

# HOUSE BILL REPORT

## HB 2584

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### As Reported by House Committee On: Local Government

**Title:** An act relating to the establishment of a blue ribbon growth management needs and priorities task force.

**Brief Description:** Establishing a blue ribbon growth management needs and priorities task force.

**Sponsors:** Representatives Jarrett, Dunshee, Shabro, Clibborn, Anderson, B. Sullivan, Tom, Linville, Nixon, Lantz, Rodne, Upthegrove, P. Sullivan, Morrell, Moeller, Kilmer and Springer.

#### **Brief History:**

##### **Committee Activity:**

Local Government: 1/18/06, 2/2/06 [DPS].

#### **Brief Summary of Substitute Bill**

- Establishes a Blue Ribbon Growth Management Needs and Priorities Task Force (Task Force) to conduct a comprehensive analysis of growth management issues and practices.
- Requires that the Task Force be composed of eight legislative members as well as nine non-legislative members representing specified organizations.
- Authorizes the Task Force to establish one or more advisory committees and to consult with individuals from the public and private sectors.
- Requires that the Task Force report final findings and recommendations to the Governor and the Legislature by December 1, 2007.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Simpson, Chair; Clibborn, Vice Chair; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan, Takko and Woods.

**Staff:** Thamas Osborn (786-7129).

## **Background:**

### ***Overview of the Growth Management Act***

The Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. The GMA requires all local governments to comply with specific provisions for natural resource lands and critical areas, and establishes additional substantive and procedural compliance requirements for counties and cities meeting population and growth criteria. Counties not meeting these criteria may choose to adopt a resolution requiring the county and the cities within to comply with all major GMA requirements. Currently, 29 of 39 counties, and the cities within those 29 counties (GMA jurisdictions), are required to or have chosen to plan under the major requirements of the GMA.

The GMA establishes a list of planning goals to be used exclusively for guiding the development and adoption of comprehensive plans and development regulations by GMA jurisdictions.

### ***GMA Planning Requirements***

GMA jurisdictions must satisfy numerous planning requirements. A principal compliance requirement is the adoption of internally consistent comprehensive land use plans (comprehensive plans), which are generalized, coordinated land use policy statements of the governing body. Each comprehensive plan must include planning provisions for specific mandatory "elements" such as land use, housing, utilities, and transportation.

Planning policies must be adopted by GMA jurisdictions. These policies are used solely for establishing a county-wide framework from which county and city comprehensive plans are developed and adopted. County-wide planning policies must include, in part, policies addressing urban growth areas, orderly development, transportation facilities and strategies, and joint county and city planning within urban growth areas.

Each county planning under the major requirements of the GMA must designate urban growth areas (UGAs) within which urban growth must be encouraged and outside of which urban growth is prohibited.

The GMA jurisdictions must adopt development regulations that control development or land use activities. Locally adopted, these development regulations must be consistent with and implement the comprehensive plan of the adopting jurisdiction.

The GMA also requires six western Washington counties (i.e., Clark, King, Kitsap, Pierce, Snohomish, and Thurston counties) and the cities within those counties to establish a review and evaluation ("buildable lands") program. The purpose of the program is to determine whether a county and its cities are achieving urban densities, and identify reasonable measures, other than adjusting UGAs, that will be taken to comply with the requirements of the GMA.

The Department of Community, Trade, and Economic Development (DCTED) adopts guidelines to assist local governments in classifying natural resource lands (i.e., agricultural,

forest, and mineral resource lands) and critical areas. The DCTED also receives copies of adopted and amended comprehensive plans and development regulations. The DCTED does not have the authority to approve local GMA plans and regulations.

#### **Appeals to Growth Management Hearings Boards**

Except as provided, comprehensive plans and development regulations are presumed valid upon adoption. Plans and regulations, however, may be appealed to one of three regional Growth Management Hearings Boards (Boards). If all applicable parties agree, the superior court may directly review a petition filed with a Board.

The Boards have limited jurisdiction and may only hear petitions alleging: (1) noncompliance with GMA requirements, specific Shoreline Management Act requirements, and specific State Environmental Protection Act requirements; or that (2) the 20-year planning populations adopted by the Office of Financial Management (OFM) should be adjusted. Final decisions of the Boards may be appealed to the superior court.

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### **Summary of Substitute Bill:**

#### **Overview of the Blue Ribbon Task Force**

A Blue Ribbon Growth Management Needs and Priorities Task Force (Task Force) is established in order to examine the effectiveness of the GMA in meeting the goals and requirements originally intended by the implementing legislation. The mission of the Task Force is to examine the functioning of the GMA with respect to a specified range of issues and to make legislative recommendations. The topics to be examined include issues relating to:

- the protection of environmentally sensitive lands from adverse impacts resulting from new development;
- the impacts of development and population growth on the use of the state highway system; and
- the fiscal and planning needs of counties, cities, towns, school districts, water-sewer districts, and fire districts with respect to accommodating projected population growth.

#### **Membership of the Task Force**

There are eight legislative members of the Task Force consisting of the following:

- from the Senate -- the chairs and ranking minority members of the Government Operations and Elections Committee and the Transportation Committee, or their elected official designees; and
- from the House of Representatives -- the chairs and ranking minority members of the Local Government and Capital Budget Committees, or their elected official designees.

There are nine non-legislative members of the Task Force representing the following organizations:

- Washington State Association of Counties;
- Association of Washington Cities;
- Association of Washington Business;
- Washington Environmental Council;
- Building Industry Association of Washington;
- Futurewise;
- Washington State Farm Bureau;
- Washington League of Women Voters; and
- University of Washington's School of Public Policy.

The task force must choose two co-chairs from among its legislative membership.

**Role of the Independent Fact Finder**

The Task Force is required to retain the services of an "independent fact finder" to assemble, analyze, and present information for its consideration with respect to various, specified topics relating to the implementation of the Growth Management Act.

**Advisory Committees and Technical Experts**

The Task Force may consult with individuals from the public and private sectors and may establish one or more advisory committees. Subject to a specific appropriation, when necessary the Task Force may contract with persons having technical expertise pertinent to the mission of the Task Force.

**Task Force Schedule**

The Task Force is required to convene no later June 1, 2006, and must submit an interim report to the Governor and the Legislature no later than November 1, 2006. The Task Force must submit its final report and recommendations to the Governor and the Legislature no later than December 1, 2007.

**Miscellaneous Provisions Regarding Task Force Operations**

Staff support for the Task Force must be provided by the Senate Committee Services, the House of Representatives Office of Program Research, the DCTED, and the OFM.

Travel reimbursement provisions are specified. Excepting qualifying contractual costs, the expenses of the Task Force must be paid jointly by the Senate and the House of Representatives. Provisions for the approval of task force expenditures by qualifying Senate and House committees are included.

**Substitute Bill Compared to Original Bill:**

The mission of the Task Force is narrowed so as to focus its examination of the GMA to a specified range of issues, including those relating to:

- the protection of environmentally sensitive lands from adverse impacts resulting from new development;
- the impacts of development and population growth on the use of the state highway system; and

- the fiscal and planning needs of counties, cities, towns, school districts, water-sewer districts, and fire districts with respect to accommodating projected population growth.

The legislative members of the Task Force are appointed as follows:

- from the Senate -- the chairs and ranking minority members of the Government Operations and Elections Committee and the Transportation Committee, or their elected official designees; and
- from the House of Representatives -- the chairs and ranking minority members of the Local Government and Capital Budget Committees, or their elected official designees.

The non-legislative members of the Task Force shall consist of representatives from the following organizations:

- Washington State Association of Counties;
- Association of Washington Cities;
- Association of Washington Business;
- Washington Environmental Council;
- Building Industry Association of Washington;
- Futurewise;
- Washington State Farm Bureau;
- Washington League of Women Voters; and
- University of Washington's School of Public Policy.

The membership of the Task Force does not have a representative from the DCTED.

The Governor is removed from playing a role in the creation or operation of the Task Force.

The Task Force is required to retain the services of an independent fact finder to assemble, analyze, and present information for its consideration with respect to various, specified topics relating to the implementation of the GMA.

The Task Force is required to convene no later June 1, 2006, and must submit an interim report to the Governor and the Legislature no later than November 1, 2006. Quarterly progress reports are not required. The Task Force must submit its final report and recommendations to the Governor and the Legislature no later than December 1, 2007.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** (In support) Land use regulation in this state is very complex and is fraught with issues that raise conflicts among various interest groups. This bill is intended to provide a means of obtaining a comprehensive look at the functioning of the GMA with the goal of reducing its regulatory complexity and thus diminish the level of political conflict. The GMA was enacted 15 years ago and the time has come to fashion comprehensive reforms rather than piecemeal fixes. We need to study the GMA from a broad perspective to determine how it might be revamped to make it simpler and more effective. The Task Force could be the starting point for this needed reform process. The composition of the Task Force has been carefully considered so as to ensure a wide range of perspectives including those of property rights advocates as well as environmentalists. Currently, the GMA is not functioning well insofar as it is causing problems in communities and impeding development. The GMA has structural problems as a regulatory scheme and many of its statutes are ambiguous. It needs the broad, comprehensive reexamination that the Task Force will provide.

(With Concerns) It is questionable whether the Task Force is properly designed to achieve its goals, which themselves are unclear. The operation of the Task Force should not be allowed to have any effect on the implementation of the GMA while the Task Force conducts its study. Realtors should have been included among the interest groups on the Task Force.

**Testimony Against:** The Task Force bill is poorly designed and is biased towards the policy preferences of the majority party. Neither small businesses nor property rights groups are included in membership of the Task Force. Its goals are too broad, which could result in a lack of focus and wasted time. Other such Task Forces have been unproductive and have never produced statutory reform.

**Persons Testifying:** (In support) Representative Jarrett, prime sponsor; Larry Stout, Washington Realtors; Greg Hanun, National Association of Industrial Office Properties; Stan Bowman, American Institute of Architects, Washington Council; Eric Johnson, Washington Association of Counties; Dave Williams, Association of Washington Cities; Bob Mack, City of Bellevue; and Micheal Shaw, American Planners Association, Washington Chapter.

(With concerns) Kaleen Cottingham, Futurewise.

(Opposed) Clayton Hill, Building Industry Association of Washington.

**Persons Signed In To Testify But Not Testifying:** None.